

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

DAVID DAVIS,

Plaintiff

v.

PHENIX CITY, ALABAMA,

H.H. ROBERTS, named in his individual
and official capacities,

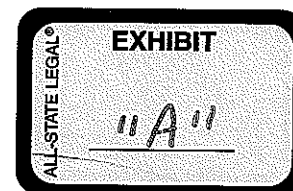
and

WALLACE HUNTER, named in his individual
and official capacities,

Defendants.

Case Number:

3:06-CV-0544-WHA



AFFIDAVIT OF GEORGE BENNETT

Comes now George Bennett, after being duly sworn and says as follows:

My name is George Bennett. I am a Captain in the Phenix City Fire Department and was so employed in the year 2006. I was asked to read and I have read pages 67 through 69 of the deposition of David Davis dated April 5, 2007, which I understand has previously been cited to the Court, in the above styled case, wherein he testifies that I stated "man it looks like you need to call downtown and get this stopped" and "didn't you have to call downtown and do something on that probation before? . . . well, it looks like you need to do that again". I further understand that Brandon Sheets testified in his deposition (dated November 7, 2007 and also cited to the Court in the above style case), that I stated to David Davis that "I would call if I was you".

As I understand it, Mr. Davis is alleging that I encouraged him or told him that it would be a good idea for him to go around the chain of command

and make a complaint directly to the City Council or Mayor about a proposed extension of the probationary period for new hires in the fire department.

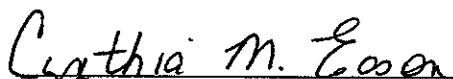
This is absolutely false. I never said the statements attributed to me above and I did not and would not instruct or encourage a subordinate not to follow the chain of command.

Further deponent saith not.



GEORGE BENNETT

Sworn to and subscribed before me this 7th day of January, 2008.



NOTARY PUBLIC, STATE OF
ALABAMA AT LARGE
My Commission Expires: 3/24/09